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INTERTRUST TECHNOLOGIES'

MICROSOFT CORPORATION, a

Washington corporation,

CORPORATION. a Delaware corporation,

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### UNITED STATES DISTRICT COURT

# NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

Defendant.

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COMPLAINT FOR INFRINGE U.S. PATENT NO. 6,157,721

**DEMAND FOR JURY TRIAL** 

Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")

hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and

alleges as follows:

284088.01

# JURISDICTION AND VENUE

- 1. This action for patent infringement arises under the patent laws of the United States, Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.
  - 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
  - 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

# THE PARTIES

- 4. Plaintiff InterTrust is a Delaware corporation with its principal place of business at 4750 Patrick Henry Drive, Santa Clara, California.
- InterTrust is informed and believes, and on that basis alleges, that Defendant
  Microsoft is a Washington Corporation with its principal place of business at One Microsoft
  Way, Redmond, Washington.
- 6. InterTrust is informed and believes, and on that basis alleges, that Defendant Microsoft does business in this judicial district and has committed and is continuing to commit acts of infringement in this judicial district.
- 7. InterTrust is the owner of United States Patent No. 6,157,721, entitled "Systems and methods using cryptography to protect secure computing environments" ("the '721 patent"), duly and lawfully issued on December 5, 2000.

#### FIRST CLAIM FOR RELIEF

- 8. InterTrust hereby incorporates by reference paragraphs 1-7 as if restated herein.
- 9. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.
- 10. InterTrust is informed and believes, and on that basis alleges, that Microsoft has been and is infringing the '721 patent under § 271(a). InterTrust is further informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent under §271(a) will continue unless enjoined by this Court.
- 11. InterTrust is informed and believes, and on that basis alleges, that Microsoft has been and is knowingly and intentionally inducing others to infringe directly the '721 patent under § 271(a), thereby inducing infringement of the '721 patent under § 271(b). InterTrust is further

informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent under §271(b) will continue unless enjoined by this Court.

- 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has been and is contributorily infringing the '721 patent under § 271(c) by providing software and related functions especially made or especially adapted for infringing use and not staple articles or commodities of commerce suitable for substantial noninfringing use. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent under §271(c) will continue unless enjoined by this Court.
- 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is willfully infringing the '721 patent in the manner described above in paragraphs 10 through 12, and will continue to do so unless enjoined by this Court.
- 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has derived and received, and will continue to derive and receive from the aforesaid acts of infringement, gains, profits, and advantages, tangible and intangible, the extent of which are not presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has been, and will continue to be, irreparably harmed.

#### PRAYER FOR RELIEF

WHEREFORE, InterTrust prays for relief as follows:

- A. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. § 271(a);
- B. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. § 271(b) by inducing others to infringe directly the '721 patent under 35 U.S.C. § 271(a);
- C. That Microsoft be adjudged to have contributorily infringed the '721 patent under 35 U.S.C. § 271(c);
- D. That Microsoft be adjudged to have willfully infringed the '721 patent under 35 U.S.C. §§ 271(a), (b), and (c);
- E. That Microsoft, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them be preliminarily and permanently restrained

and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '721 patent; That this Court assess pre-judgment and post-judgment interest and costs against F. Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284 and That InterTrust have such other and further relief as the Court may deep proper. G. 5. Dated: February 6, 2002 KEKER & VAN NEST, LEP By: MICHAEL H. PAGE Attorneys for Plaintiff INTERTRUST TECHNOLOGIES CORPORATION 

COMPLAINT FOR INFRINGEMENT OF U.S. PATENT NO. 6,157,721

# **DEMAND FOR JURY TRIAL**

Plaintiff InterTrust herby demands a trial by jury as to all issues triable by jury, specifically including, but not limited to, the issue of infringement of United States Patent No. 6,157,721.

Dated: February 2, 2002

KEKER & VAN NEST, LLP

By:

MICHAEL H. PAGE

Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
CORPORATION